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March 9, 2016

**VIA ECF**

The Honorable Jose L. Linares  
United States District Court  
District of New Jersey  
50 Walnut Street, Courtroom MLK 5D  
Newark, NJ 07101

Re: In re Liquid Aluminum Sulfate Antitrust Litigation (MDL 2687)  
Case No. 2:16-cv-02687-JLL-JAD (D.N.J.)  
**Application for Appointment to Plaintiffs' Executive Committee**

Dear Judge Linares:

My firm, Lockridge Grindal Nauen P.L.L.P. ("LGN"), represents or otherwise speaks for fourteen plaintiffs who collectively purchased over \$25 million in Liquid Aluminum Sulfates ("Alum") during the relevant period. Most of these plaintiffs are large cities and towns.

Under Fed. R. Civ. P. 23(g), and on behalf of our clients and the other plaintiffs supporting our application, we submit, *first*, that the Court should appoint Mr. James Cecchi as plaintiffs' lead counsel; and *second*, that the Court should create a reasonably small plaintiffs' executive committee and appoint me and LGN to that committee.<sup>1</sup>

**1. LGN is highly experienced in complex antitrust class litigation, has extensive knowledge of antitrust and class action law, and has been appointed lead or co-lead counsel in similar cases by courts nationwide.**

For over 35 years LGN has prosecuted antitrust cases on behalf of large and small businesses injured by antitrust law violations. We have particular expertise in complex litigation, including federal multidistrict litigation. In the last ten years alone, we have recovered more than \$2 billion for our clients. Examples of cases we've led include:

- *In re Freight Forwarders Antitrust Litigation (Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd. et al.)* (E.D.N.Y.) (Co-Lead Counsel); *In re Potash Antitrust Litigation (II) – Minn-Chem, Inc. v. Agrium Inc.* (N.D. Ill.) (Co-Lead Counsel); *In re Flat Glass Antitrust Litigation (II)* (W.D. Pa.) (Co-Lead Counsel); *In re Pressure Sensitive Labelstock Antitrust Litigation* (M.D. Pa.) (Co-Lead Counsel); *In re Urethane Antitrust Litigation (Polyester Polyols)* (D. Kan.) (Co-Lead Counsel); and *In re Monosodium Glutamate Antitrust Litigation* (D. Minn.) (Co-Lead Counsel).

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<sup>1</sup> Mr. Cecchi and his experience and credentials are well known to this Court, so in this letter we will address LGN's experience, support, and other bases for us being appointed to the executive committee.

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These cases and others are described in our firm resume, submitted as Exhibit A. In each of these cases, LGN proved its ability to achieve significant victories for class members, while working cooperatively and effectively with co-counsel and the courts.

Our team includes **Joseph Bruckner**, who for nearly 30 years has represented plaintiffs in antitrust class actions and other complex litigation as lead or co-lead counsel; **Charles Nauen**, who heads our environmental law and commercial litigation practice areas, and who for more than 30 years has represented governmental clients in business, regulatory and litigation matters; **Heidi Siltan**, with over two decades of litigation experience in complex and class action antitrust litigation; **Elizabeth Odette**, with over a decade of complex and class action litigation experience in antitrust, consumer and product liability; and **Brian Clark**, with significant experience litigating antitrust cases and working with government clients.<sup>2</sup>

We will devote all necessary resources to this case, and our track record proves our ability to do so. For example, in *Freight Forwarders*, LGN and our other co-lead counsel devoted extensive time, effort and resources to obtaining a very successful result for the plaintiff class. We defeated several motions to dismiss plaintiffs' complaint, reviewed over 1.3 million documents, took more than 30 fact interviews and 50 depositions worldwide, coordinated the work of expert economists, and negotiated and reached settlements of more than \$360 million for the class to date. In *Potash II*, LGN and our other co-lead counsel, Pearson Simon & Warshaw, led discovery and extensive and successful briefing on appeal, achieving a significant *en banc* decision clarifying the construction of the Foreign Trade Antitrust Improvements Act and its application to global commerce and foreign cartels. We also spearheaded expert analysis and lengthy and successful settlement negotiations with all defendants, resulting in settlements of \$90 million.

## **2. LGN has done extensive work identifying and investigating the claims in this case.**

LGN's detailed and original complaints exemplify LGN's significant investigation and our willingness to commit all necessary time and resources to this case.<sup>3</sup> LGN undertook substantial efforts to investigate the claims in this case. Among other things, LGN analyzed bid tabs from Alum purchasers nationwide, extensively researched the Alum market, and analyzed Defendants' SEC filings in depth. LGN also was first to allege a theory of joint and several liability against the bankrupt defendants for plaintiffs' damages throughout the class period.

LGN is uniquely positioned in this case, because for decades we have represented municipalities and other governmental entities in a wide range of matters. We will prosecute this case effectively and efficiently, recognizing that a primary priority of government entities is their guardianship of public assets and the public trust.

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<sup>2</sup> More information on each of us and our practices can be found at <http://locklaw.com>.

<sup>3</sup> See e.g., Plaintiff City of Milwaukee, Wisconsin Class Action Complaint, MDL Dkt No. 164-3 (MDL No. 2687).

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**3. LGN's application is supported by substantial clients and counsel with extensive experience in complex antitrust class litigation.**

LGN filed ten cases on behalf of our clients. These ten and four additional plaintiffs support our application. During the relevant period these plaintiffs purchased more than \$25 million of Alum. They seek to actively participate in the leadership of this litigation, and include:

- **The City of Rochester, Minnesota** (\$1.6 million);<sup>4</sup> **The Metropolitan Council** (\$1.6 million);<sup>5</sup> **TeeMark Corporation** (\$6 to \$7 million);<sup>6</sup> **The City of Duluth, Minnesota** (\$1.2 million); **The City of Minneapolis, Minnesota** (\$4 to \$5 million); **The City of St. Paul, Minnesota** (\$2 million); **The City of St. Cloud, Minnesota** (\$850,000); **The City of Milwaukee, Wisconsin** (\$5.5 million); **Lake Restoration, Inc.** (\$450,000);<sup>7</sup> **The City of Fergus Falls, Minnesota** (\$300,000); **The City of Arcadia, Wisconsin** (over \$65,000).

In addition to these plaintiffs, several other counsel support LGN's application for appointment to the plaintiffs' executive committee. Those counsel, including Mr. Cecchi and several others, are listed on Exhibit B, and each of them has extensive experience and excellent credentials in his or her own right. Each supports LGN's application in recognition of the efforts we have undertaken for this case.

For all of these reasons, LGN respectfully requests appointment to the plaintiffs' executive committee. We appreciate the Court's thoughtful consideration, and are happy to provide more information if the Court requests.

Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

s/ W. Joseph Bruckner

W. Joseph Bruckner

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<sup>4</sup> The parentheticals indicate each plaintiff's approximate Alum purchases in the relevant period.

<sup>5</sup> The Metropolitan Council is a public corporation and a political subdivision of the State of Minnesota, and owns and operates eight wastewater treatment plants serving dozens of cities in the Minneapolis-St. Paul metropolitan area.

<sup>6</sup> TeeMark Corporation is a Minnesota company which provides large-scale Alum applications to lakes across the country for the reduction of phosphorous and algae control.

<sup>7</sup> Lake Restoration, Inc. is a Minnesota company which, like TeeMark, uses Alum to control phosphorous and algae in lakes in the Midwest.